



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 07065-98
17 February 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: ~~XXXXXXXXXX~~ MC, USN ~~XXXXXXXXXX~~
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 3 Nov 99 (resubm of appl
orig subm in Mar 98) w/attachments
(2) PERS-85 memo dtd 23 Apr 99

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the date of rank on her original appointment as a lieutenant, Medical Corps, United States Navy as 21 May 1994, vice 27 May 1994.

2. The Board, consisting of Messrs. Hogue and Molzahn and Ms. Moidel, reviewed Petitioner's allegations of error and injustice on 17 February 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner contends that she was promoted to captain (pay grade O-3) in the Regular Air Force with a date of rank of 21 May 1994; that her interservice transfer to the Regular Navy as a lieutenant (pay grade O-3) in the Medical Corps occurred on 27 May 1994 with no break in service; and that the incorrect pen and ink change to her Navy Officer Appointment Acceptance and Oath of Office (A&O) does not reflect her true date of rank in pay grade O-3, which is 21 May 1994.

b. In correspondence attached as enclosure (2), the Navy Personnel Command (NPC) office with cognizance over the subject matter of this case has commented to the effect that the petition should be redirected to the Navy Recruiting Command. They stated that her

current date of rank and lineal number are reflected by the established permanent grade date provided in her A&O.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting the requested relief. Without input from the Navy Recruiting Command, the Board finds that Petitioner's date of rank upon entering the Regular Navy in pay grade O-3 by way of an interservice transfer from the Regular Air Force should have been 21 May 1994, the date of rank in pay grade O-3 she had before the transfer. Accordingly, the Board directs the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show the date of rank on her original appointment as a lieutenant, Medical Corps, United States Navy as 21 May 1994, vice 27 May 1994; and that her lineal precedence be adjusted accordingly.

b. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

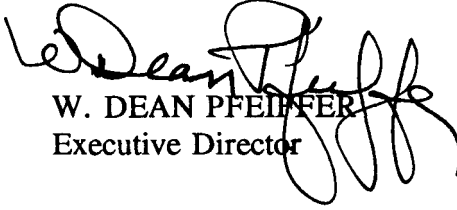
c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT'D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

7065-98
5420
Ser 85/062
23 Apr 99

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LT [REDACTED] AY, USN [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned. [REDACTED] current date of rank and lineal number are reflected by the established permanent grade date provided in her Officer Appointment Acceptance and Oath of Office.

2. Recommend redirecting member's request to COMNAVCRUITCOM (Code N13) for proper evaluation of the established permanent grade date.

[REDACTED]
BCNR Liaison, Officer Promotions and
Enlisted Advancements Division